

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

SHANNON M. STEPHENS, a.k.a.
SHANNON STEPHENS, a.k.a.
SHANNON STEWART, a.k.a.
SHANNON M. WALDROP STEPHENS

Case No. 2013-258

Registered Nurse License No. 612723

Respondent

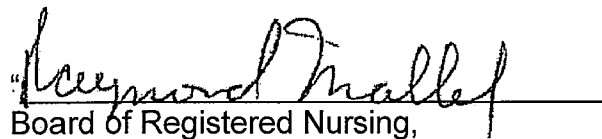
ORDER CORRECTING CLERICAL ERROR IN

DECISION AND ORDER

On its own motion, the Board of Registered Nursing (hereafter "Board") finds that there was a clerical error in the Decision and Order in the above-entitled matter and that such clerical errors should be corrected so that it will conform to the Board's intention as follows:

1. On or about February 26, 2013 a Decision and Order was issued adopting the Proposed Decision which erroneously showed the signature Louise R. Bailey as Board President.

IT IS HEREBY ORDERED that the signature on that Decision and Order in the above-entitled matter be and is hereby amended and corrected nunc pro tunc as should be as follows:


Board of Registered Nursing,
President
Department of Consumer Affairs
State of California"

IT IS SO ORDERED this 28th day of February, 2013.


BOARD OF REGISTERED NURSING,
PRESIDENT
DEPTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-258

13
14 **SHANNON M. STEPHENS, AKA**
15 **SHANNON STEPHENS, AKA SHANNON**
16 **STEWART, AKA SHANNON M.**
17 **WALDROP STEPHENS**

DEFAULT DECISION AND ORDER.

18 Address of Record:
19 229 Leaf Lane
20 Alabaster, AL 35007

[Gov. Code, §11520]

21 Additional Address:
22 123 Trimmingham Rd.
23 Albany, IN 47150

24 Registered Nurse License No. 612723

25 Respondent.

26 **FINDINGS OF FACT**

27 1. On or about October 10, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her
28 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
Consumer Affairs, filed Accusation No. 2013-258 against Shannon M. Stephens, aka Shannon
Stephens, aka Shannon Stewart, aka Shannon M. Waldrop Stephens ("Respondent") before the
Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about January 30, 2003, the Board of Registered Nursing ("Board") issued Registered Nurse License No. 612723 to Respondent. The Registered Nurse License expired on July 31, 2004, and has not been renewed.

3. On or about October 10, 2012, Respondent was served by Certified and First Class Mail copies of Accusation No. 2013-258, Statement to Respondent, Notice of Defense (two blank copies), Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board. Respondent's address of record was and is: 229 Leaf Lane, Alabaster, AL 35007.

4. On or about November 6, 2012, Respondent was served by Certified and First Class Mail copies of Accusation No. 2013-258, Statement to Respondent, Notice of Defense (two blank copies), Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at an additional address: 123 Trimmingham Rd, Albany, IN 47150

5. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

6. On or about October 24, 2012, the documents described in Paragraph 3 were returned by the U.S. Postal Service marked "Not Deliverable As Addressed Unable to Forward." The address on the documents was the same as the address on file with the Board. Respondent failed to maintain an updated address with the Board and the Board has made an attempt to serve the Respondent at the address on file.

7. The documents described in Paragraph 4 were not returned by the U.S. Postal Service and Respondent signed the Domestic Return Receipt for those documents.

8. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

9. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-258.

10. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

11. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2013-258, finds that the charges and allegations in Accusation No. 2013-258, are separately and severally, found to be true and correct by clear and convincing evidence.

12. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$1,080.00 as of December 11, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Shannon M. Stephens, aka Shannon Stephens, aka Shannon Stewart, aka Shannon M. Waldrop Stephens has subjected her Registered Nurse License No. 612723 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

(a) Business and Professions Code section 2761, subdivision (a)(4) on the grounds of unprofessional conduct because:

1 (i) On February 8, 2010, in a case entitled *In the Matter of the License Application*
2 *of Shannon Stewart*, case number 2010 NB 039, the Indiana State Board of Nursing ("Indiana
3 Board") issued a Decision on Application for License which granted Respondent's application for
4 licensure and placed it on indefinite probation with terms and conditions. The circumstances
5 underlying the disciplinary action by the Indiana Board were that in her application for licensure,
6 Respondent revealed that in December 2008, she developed a dependence on opioids and diverted
7 narcotics from her employer. She was disciplined for that conduct by the Alabama Board of
8 Nursing and her recovery was being monitored by that Board.

9 (ii) On May 20, 2011, in a case entitled *In the Matter of Shannon M. Waldrop*
10 *Stephens License No. 1-088521*, case number 2010-1362, the Alabama Board of Nursing
11 approved a Consent Order signed by Respondent which placed Respondent's license on probation
12 for 48 months, with terms and conditions. The circumstances underlying the Consent Order were
13 that on May 29, 2009, Respondent signed a Voluntary Disciplinary Alternative (VDAP)
14 Agreement, pursuant to which she agreed to 60 months of monitoring with multiple conditions
15 and requirements. The reasons for the VDAG Agreement were that Respondent was terminated
16 from her employment at Brookwood Medical Center in Birmingham, Alabama for diversion of
17 Percocet. Respondent admitted to diverting medications from her employer. Respondent also
18 admitted to having a chemical dependency and to entering into a residential treatment facility
19 where she was diagnosed as opiate dependent. Additionally, on February 8, 2010, the Indiana
20 Board issued an order approving Respondent's application for licensure as a registered nurse and
21 placing her license on indefinite probation.

22 (b) Business and Professions Code section 2762, subdivisions (a) and (b) in that
23 Respondent obtained and/or possessed in violation of the law a controlled substance and used a
24 controlled substance and/or dangerous drug in manner dangerous to herself when she admitted to
25 diverting Percocet from her employer and when she admitted to being diagnosed as opiate
26 dependent.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 612723, heretofore issued to Respondent Shannon M. Stephens, aka Shannon Stephens, aka Shannon Stewart, aka Shannon M. Waldrop Stephens, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 28, 2013.

It is so ORDERED FEBRUARY 26, 2013

Louise R. Bailey, M.Ed., RN
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51205752.DOC
DOJ Matter ID:LA2012507876

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
Deputy Attorney General
4 State Bar No. 245282
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
E-mail: Sydney.Mehringer@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-258**

13 **SHANNON M. STEPHENS, AKA**
14 **SHANNON STEPHENS, AKA SHANNON**
15 **STEWART, AKA SHANNON M.**
16 **WALDROP STEPHENS**
17 **229 Leaf Lane**
18 **Alabaster, AL 35007**

A C C U S A T I O N

19 **Registered Nurse License No. 612723**

20 Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
24 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
25 Consumer Affairs.

26 2. On or about January 30, 2003, the Board of Registered Nursing ("Board") issued
27 Registered Nurse License Number 612723 to Shannon M. Stephens, aka Shannon Stephens, aka
28 Shannon Stewart, aka Shannon M. Waldrop Stephens ("Respondent"). The Registered Nurse
License expired on July 31, 2004, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b) grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. California Code of Regulations, title 16, section 1419.3 states:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

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STATUTES

8. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

9. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license."

DANGEROUS DRUG

10. "Percocet," oxycodone and acetaminophen, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M), and is categorized as a dangerous drug according to section 4022.

COST RECOVERY

11. Business and Professions Code section 125.3. states, in pertinent part:

1 "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
2 proceeding before any board within the department or before the Osteopathic Medical Board
3 upon request of the entity bringing the proceedings, the administrative law judge may direct a
4 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
5 to exceed the reasonable costs of the investigation and enforcement of the case.

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7 "(i) Nothing in this section shall preclude a board from including the recovery of the costs
8 of investigation and enforcement of a case in any stipulated settlement.

9 **FIRST CAUSE FOR DISCIPLINE**

10 (Disciplinary Action by Another State)

11 12. Respondent is subject to disciplinary action under Code section 2761, subdivision
12 (a)(4) on the grounds of unprofessional conduct because her Indiana and Alabama registered
13 nursing licenses were disciplined, as follows:

14 13. On February 8, 2010, in a case entitled *In the Matter of the License Application of*
15 *Shannon Stewart*, case number 2010 NB 039, the Indiana State Board of Nursing ("Indiana
16 Board") issued a Decision on Application for License which granted Respondent's application for
17 licensure and placed it on indefinite probation with terms and conditions. The circumstances
18 underlying the disciplinary action by the Indiana Board are, as follows:

19 (a) In her application for licensure, Respondent revealed that in December 2008, she
20 developed a dependence on opioids and diverted narcotics from her employer. She was
21 disciplined for that conduct by the Alabama Board of Nursing and her recovery was being
22 monitored by that Board.

23 14. On May 20, 2011, in a case entitled *In the Matter of Shannon M. Waldrop Stephens*
24 *License No. 1-088521*, case number 2010-1362, the Alabama Board of Nursing ("Alabama
25 Board") approved a Consent Order signed by Respondent which placed Respondent's license on
26 probation for 48 months, with terms and conditions. The circumstances underlying the Consent
27 Order are, as follows:

1 (a) On May 29, 2009, Respondent signed a Voluntary Disciplinary Alternative (VDAP)
2 Agreement, pursuant to which she agreed to 60 months of monitoring with multiple conditions
3 and requirements.

4 (b) The reasons for the VDAG Agreement were that Respondent was terminated from her
5 employment at Brookwood Medical Center in Birmingham, Alabama for diversion of Percocet.
6 Respondent admitted to diverting medications from her employer. Respondent also admitted to
7 having a chemical dependency and to entering into a residential treatment facility where she was
8 diagnosed as opiate dependent.

9 (c) On February 8, 2010, the Indiana Board of Nursing issued an order approving
10 Respondent's application for licensure as a registered nurse and placing her license on indefinite
11 probation.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Unprofessional Conduct – Drug Related Transgression)

14 15. Respondent is subject to disciplinary action under Code section 2762, subdivisions (a)
15 and (b) in that Respondent obtained and/or possessed in violation of the law a controlled
16 substance and used a controlled substance and/or dangerous drug in manner dangerous to herself
17 when she admitted to diverting Percocet from her employer and when she admitted to being
18 diagnosed as opiate dependent. Complainant incorporates by reference Paragraphs 13(a) and
19 14(b) as though fully set forth herein.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 612723, issued to
24 Shannon M. Stephens, aka Shannon Stephens, aka Shannon Stewart, aka Shannon M. Waldrop
25 Stephens;

26 2. Ordering Shannon M. Stephens, aka Shannon Stephens, aka Shannon Stewart, aka
27 Shannon M. Waldrop Stephens to pay the Board of Registered Nursing the reasonable costs of the
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1 investigation and enforcement of this case, pursuant to Business and Professions Code section
2 125.3; and

3 3. Taking such other and further action as deemed necessary and proper.
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5 DATED: OCTOBER 10, 2012

6 *for* 
7 LOUISE R. BAILEY, M.ED., RN
8 Executive Officer
9 Board of Registered Nursing
10 Department of Consumer Affairs
11 State of California
12 *Complainant*

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